App. F. IX-4

1934. (Law)

File No. 163-34

Previous References

Serial Nos. 1 — 3

Later References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three

Part B for April 35

SUBJECT.

Re- prosecution of one Gangappa of Bhadravati reported to have sold lottery tickets and collected money and actually drawn the lottery on 24.2.35 using his rented house for the purpose, on offering his gramaphone with 25 plates as its prize.

3) To

The D. M. Shimoga
D.S. Police

WD 01965—GPB—15,000—7-7-34

No. P.5465-6 dt 1.4.35.

Sanctions

No. J1.C.347/34-35

Cne one file

Law 163-35/1

FROM

T. V. A. Isvaran, Esq., B.A.,
~~G.K.X.M.O.R.D.V.M.E.H.D.I. Esq. B.A. LL.B.~~,
District Magistrate,
Shimoga District.

To

Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to Government,
Bangalore.

CHIEF SECRETARY
LAW
1ST MAR 1935

SIR,

I have the honour to forward correspondence ending with the Shimga District Police Superintendent's letter No.J1.C. 427/34-35 dated 1st March 35 re: the Lottery unauthorisedly drawn by one Gangappa son of Subbarayappa of Bhadravati and to state that this individual is reported to have sold tickets and collected money and to have actually drawn the lottery on 24-2-35 using his rented house for the purpose on offering his Gramaphone with 25 plates as its prize.

Gangappa in his statement recorded by Police on 26 February 35 has admitted having done as above without obtaining the necessary sanction from Government and he has thereby rendered himself liable for prosecution under Section 294(A) I.P.C.

As no Court is competent to take cognizence of this Offence unless upon complaint made by the order of Government under Section 196 Cr.P.C., I request you to be so good as to obtain the necessary sanction of Government to prosecute the offender in question.

I have the honour to be,
Sir,
Your most obedient servant,

16/3
District Magistrate,
Shimoga District.

for prosecution under sec 294 A. I.P.C
Sub: use a dft. S.I. sanctioning for order

ISD
4/3

~~Observation by SPO~~
~~Office of place of Gaming~~
~~kept for under sec 294~~

~~Keeping of an office under~~
~~sec 294 A (1) of the I.P.C is made~~
~~out~~ In the ticket, it is mentioned that the drawing would take place in one Ganapathi's shop but the Police report shows that it took place in his rented house. Which is the place that is alleged to have been kept for the purpose of drawing the lottery in this case is not very clear. To make out an offence under Sec 294 A (1), the essential thing to be proved is that the accused kept an office or place for drawing the lottery. It has been held in some case (1907 1 KB 64) that in order to constitute a keeping there must be something habitual - Using a place once is not keeping it for this purpose.

It is however clear that an

Offence under para 2 of sec 294 A is easily made out in this case. In the case reported in 27 Cr.L.J 777 it is held that where on the face of a lottery ticket it is stated that the prize, if any due to the number on the ticket will be paid it contains a proposal inviting persons to take part in the lottery and offering such a ticket for sale amounts to a publication of the said proposal & constitutes this offence.

Forwarded with compts to the Govt Advocate for favour of opinion as to whether a case under Sec 294 A is made out ~~in this case~~ for which Sanction under Sec 196 Cr.P.C can be given.

21.3.35

Returned with compliments.

In his statement Gangappa admits that he sold the lottery tickets and drew the lottery in his house, and gave the gramophone and plates announced to Tirupathi Thimmappa. His act, I think, constitutes an offence under section 294, I.P.C., (c.f. also 44 M.L.J.595). Sanctio may therefore, be given for the prosecution of Gangappa under section 294 A., I.P.C.

5293

eneral and Revenue Secretariat | Law File No. 163 of 1934 | [App. F. III–2

Serial No.

Dft G.O. &c^d for appl^n may be approved (Gen Secy) 27.3.35

28/3

28.3.35

To,

The D.M. Shimoga.
(thro' S.P.)

No. P. 2465-66 Law 163-34-2 dt 1.4.35

Sanctioning use of Precaution

5993
B/4/4

6180 p35

POLICE DEPARTMENT.

Tel. Address
"POLICE."

PHONE No. 298

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote
No. C.2.5716.34

Dated Bangalore, the 29th April *193*5.

Law 163-34-3

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

To

CHIEF SECRETARY
30 APR. 1935
Rajasevasakta

R.Ranga Rao,Esq., B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Law 30/4/35

SIR,

In connection with G.O.No.P.5465-66/Law. 163-34-2 dated 1-4-1935 sanctioning the prosecution of Gangappa son of Subbarayappa under Section 294A I.P.C., I have the honor to state that the District Superintendent of Police, Shimoga reports that Gangappa was convicted under Section 294A and sentenced to under-go rigorous imprisonment for 15 days and to pay a fine of Rs.15 or in default to suffer 7 days rigorous imprisonment in C.C.No.1002/34-35 of on the file of the Bench/Magistrates, Shimoga.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.J 1.C.347/34-35 dated 16th March 1935 from the District Magistrate, Shimoga stating that one Gangappa,son of Subbarayappa of Bhadravati is reported to have sold lottery tickets and collected money and actually drawn the lottery on 24th February 1935 using his rented house for the purpose, on offering his gramaphone with 25 plates as its prize, and soliciting sanction of -Government in the circumstances pointed out to prosecute the said individual for ~~the~~ an offence under Section 294 A Indian Penal Code.

Order No. P3465---66 Law 163-34-2

Dated, Bangalore, the 29th March 1935.

Sanction is accorded to the prosecution of Gangappa,son of Subbarayappa of Bhadravati for an offence under Section 294 A Indian Penal Code. Under Section 196 Criminal Procedure Code, the District Superintendent of Police,Shimoga is authorised to take necessary action to file the complaint in the matter before a competent Court of Law.

~~For~~ General Secretary to Governme

To

The District Magistrate, Shimoga District

The Inspector General of Police in Mysore.

G. R. S. App. F VI—G 2]

SUBJECT.....

.....

.....

Diary. No of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 1/6/ 1935

Signed by H.V.R

Section Law

File No. 162-34

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Letter no. J1. e. 3403 d 16.3.35 from the D.M. Shim stating that one Gangappa S/o of Subbarayappa of Bhadravati is reported to have sold lottery tickets and collected money and has actually drawn the lottery on the ~~Order thereon—No.~~ using his rented house for the purpose, on offering his gramaphone and 25 plates, a prize and soliciting sanction for in the circumstances pointed out to prosecute the said accused for an offence under sec 294 A I

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

NOP 5465-66

Sanction is accorded to the prosecution of Gangappa, son of Sabbanagouda of Bhadravati for an offence under sec 196 Cr. P.C. / 124 A I.P.C.

D.S.P. Shimoga is authorised to take necessary action to file the Complaint in the matter before a Competent Court of Law.

27/3

Gen & Secy
TSD 27/3

To,

The D.M. Shimoga with records

D.S.P.